

ORIGINAL

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

08 OCT 12 7 30

UNITED STATES OF AMERICA : Docket No. 2011 CF1 021640
: The Hon. T.J. Motley, J.
: Sentencing: December 14, 2012
v. :
: DELRON ATCHISON, :
: Defendant. :

GOVERNMENT'S MEMORANDUM IN AID OF SENTENCING

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully submits this memorandum in aid of sentencing.

Background

On October 5, 2012, 17 days before a trial date that had been set 10 months earlier, defendant Delron Atchison pled guilty to second degree murder while armed (gun), as a lesser included offense to the first count of the indictment, and to three counts of assault with a dangerous weapon (gun). The charges all related to an incident that occurred a few minutes before midnight, on October 19, 2011, when the defendant boarded a crowded Metrobus stopped in the 2100 block of Alabama Avenue, S.E., drew a 9 mm handgun and fatally shot passenger Demetrius Thompson, age 22, and menaced and panicked the other bus

passengers, including Antony Walker, Edward Black, and Ricky Arrington, the three ADW victims.

About 45 minutes before the shooting, the defendant and his co-defendant, Vincent Gray, had confronted Mr. Thompson in the area of the Congress Heights Metrorail Station. The confrontation, which arose because the defendant and co-defendant took offense at how Mr. Thompson had just spoken to two young women who were with them, resulted in a fist-fight between the co-defendant and Mr. Thompson, and then between the defendant and Mr. Thompson. Both fights, however, ended within a few minutes with all three participants alive and essentially healthy, and with the defendant, co-defendant and the two young women driving away from the scene.

The defendant's guilty plea was pursuant to a plea agreement. Under its terms the defendant was required to cooperate with the government's continuing investigation of the shooting, and to agree to seek a sentence consistent with the D.C. Voluntary Sentencing Guidelines.

However, the defendant has refused to cooperate. Accordingly, as allowed for under the plea agreement, the government has notified his counsel in writing (copy filed with the Court) that it considers the defendant to be in breach of the agreement and that the government no longer considers itself bound by the terms of the agreement. As the agreement specifically lays out, the defendant's breach does not create grounds for him to withdraw his guilty plea. The effect, therefore, is that neither party is bound by the allocation limits set forth in the agreement and the government is not bound by the other concessions it made in the agreement. That is, it is now free to prosecute the defendant on the charges remaining in the indictment, and to otherwise prosecute him further in connection with the incident.

The group drove to the 2300 block of Hartford Street, S.E. and parked. Over the next 20 to 30 minutes defendant Atchison obtained the murder weapon. He and the co-defendant then proceeded to walk to the 2100 block of Alabama Avenue, S.E., where they spotted an approaching W4 Metrobus. When it stopped in the block, co-defendant Gray boarded the bus looking for Mr. Thompson. He spotted him seated near the rear door. He then signaled to defendant Atchison who was standing outside, and pointed toward Mr. Thompson. The defendant then boarded the bus, and Gray ordered Mr. Thompson to get off the bus. The defendant then walked past Gray, heading down the bus aisle. Gray followed directly behind him.

As the defendant and Gray approached Mr. Thompson, the defendant drew the 9 mm handgun and pointed it at him. Mr. Thompson rose from his seat. Atchison then fired two times striking Mr. Thompson with both shots. The defendant and Gray then fled through the rear door of the bus.

As the defendant fired, the numerous other passengers and the bus driver fled from the bus. Mortally wounded, Mr. Thompson crawled off the bus and collapsed in front of it. He would be declared deceased within two hours.

The defendant and Gray headed back to the 2300 block of Hartford Street. Two days later, having learned that the bus's

security cameras had recorded them boarding the bus,² the defendant fled to a residence in Chantilly, Virginia, to avoid contact with the police. The day after that he began a two-day drive to the Orlando, Florida area, where he and Gray checked into a hotel on October 24, 2011.

The defendant was arrested in the hotel on October 25, 2011, pursuant to an arrest warrant for murder that had been issued on October 22, 2011.

The Statutory Maximum and Mandatory Minimum Sentence

On August 23, 2012, the government filed a timely information, pursuant to D.C. Code § 23-111(a)(1), setting forth the prior convictions the government would rely upon to seek increased punishment in the event the defendant was convicted of any charge in the indictment. These consist of a 2009 conviction in Maryland for transporting a handgun on the roadway, and a 2008 D.C. Superior Court conviction for unauthorized use of a vehicle. As a result of these two prior felonies, the defendant falls under the "three strikes" statute found at D.C. Code § 22-1804a. The effect is that the maximum penalty for each of the ADW counts to which he pled guilty is raised from 10 years to 30 years. See D.C. Code §§ 22-402, 22-1804a.

²In fact, security cameras on the bus had also recorded the defendant and Gray walking down the aisle toward Mr. Thompson, the defendant pointing the gun and firing twice at Mr. Thompson, and the defendant and Gray then fleeing through the rear door.

The defendant has filed a Notice contending that he does not, in fact, have two prior felony convictions because his Maryland firearm conviction is classified under Maryland law as a misdemeanor. However, as the presentence report (PSR) writer for this case has noted, in counting the Maryland offense as a prior felony for criminal history scoring purposes, "[t]he fact that Maryland classifies the offense as a misdemeanor does not factor into the [determination]." PSR at 10.³ In addition, as the Court of Appeals has held, under D.C. law, a felony is generally defined as "any offense for which the maximum penalty provided for the offense is imprisonment for more than one year; generally, all other crimes are misdemeanors." Henson v. United States, 399 A.2d 16, 20 (D.C. 1979); accord Stephens v. United States, 106 U.S. App. D.C. 249, 250 n.1, 271 F.2d 832, 833 n.1 (1959) ("Any offense punishable by death or imprisonment for a term exceeding one years is a felony. All others are misdemeanors.").

D.C. Code § 22-1804a states that "[f]or purposes of this section . . . [a] person shall be considered as having been convicted of a felony if the person was convicted of a felony by a court of the District of Columbia, any state, or the United States or its territories." D.C. Code § 1804a(b)(1). Under the

³The defendant has also filed a Notice contesting the PSR's scoring of the Maryland conviction as a felony.

defendant's preferred interpretation, this provision would be inapplicable to repeat offenders whose priors in other American jurisdictions are classified as "misdemeanors," no matter how long a period of incarceration they could have served, or even did serve, for those offenses. This potential result is demonstrated by this very case because the defendant's prior conviction in Maryland, while indeed classified as a misdemeanor under Maryland law, under some circumstances carries a maximum 10 year period of incarceration. See Md. Code, Crim. Law, § 4-203.⁴

Moreover, there is no merit to the defendant's contention that counting this offense as a "felony" for purposes of D.C. Code § 22-1804a violates the Full Faith and Credit Clause of the Constitution. The Clause provides that "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State." U.S. Const. Art. IV, § 1.⁵ First, nothing in Maryland law purports to govern how

⁴The defendant was convicted of violating Md. Code, Crim. Law, § 4-203(A)(1)(II), under which, because he had no prior convictions under certain provisions of Maryland law, and did not commit his offense on school property or act with the intent to injure another, his maximum sentence was 3 years of imprisonment. Md. Code, Crim. Law, § 4-203(c)(2). (Copies of the court documents from the defendant's Maryland case are attached.) However, the same statute provides that under those qualifying circumstances the maximum penalty is raised to 10 years of imprisonment. Id. § 4-203(c)(3), (c)(4). Nonetheless, the overall classification of the offense, under Maryland law, is uniformly a "misdemeanor." Id. § 4-203(c)(1).

⁵The Full Faith and Credit Clause applies equally to the District of Columbia as if it were a state. See Davis v. Davis,

great an effect other American jurisdictions should give to the fact that this Maryland offense is classified in Maryland as a misdemeanor. But more importantly, it is well established that the Clause does not require one jurisdiction to enforce at all the penal judgment of a foreign state. Nelson v. George, 399 U.S. 224, 229 (1970). Thus, this Court could, consistent with the Clause, disregard completely the defendant's prior Maryland conviction if it were not required to consider it under D.C. law.

Accordingly, the defendant faces a maximum sentence of 40 years in prison and a mandatory minimum sentence of 5 years in prison for the charge of second degree murder while armed. See D.C. Code §§ 22-2103, 22-4502(a)(2), (c), (e)(2). And as stated before, he faces a maximum of 30 years in prison for each of the ADW counts. He must also serve a period of 5 years of supervised release after his incarceration. See id. § 24-403.01(b)(1), (b)(2)(A). In addition, he is required to pay a special assessment ranging from \$100 to \$5000. See id. § 4-516(a).

The Guidelines

The PSR writer calculated that the defendant has 2.25 criminal history points and therefore falls under column C of the Master Grid. See District of Columbia Sentencing and Criminal Code Revision Commission, Voluntary Sentencing Guidelines Manual (hereinafter, the Guidelines) ch. 2, appx. A (June 18, 2012).

305 U.S. 32, 39-40 (1938).

The government concurs with this calculation. The defendant, however, insists that his prior Maryland firearms conviction should have been considered a misdemeanor and assigned only .25 criminal history points, instead of 1 full point, which would lower his overall score and move him into column B.

The Court should uphold the PSR writer's calculations. As set forth in the report, the PSR writer, as required under section 2.2.6 of the Guidelines for scoring the defendant's out-of-District prior convictions, looked for "the current D.C. offense that most closely matches the out-of-District offense." Id. § 2.2.6, ¶ a3. This provision requires that the comparison be "[b]ased only on the name and statutory elements of the out-of-District offense, not on the underlying conduct." Id.

As set forth in the attached court documents, the name of the offense in Maryland that the defendant was convicted of is "Transport Handgun on Roadway et al." The charging document states that the defendant "did wear, carry and knowingly transport a handgun in a vehicle traveling on a roadway and parking lot used by the public, highway, waterway and airway." Maryland's criminal jury instructions state that to convict a defendant of this offense,

the State must prove: (1) that the defendant wore, carried, or knowingly transported a handgun in a vehicle; [and] [(2) that the defendant did so while traveling on the

public roads, highways, waterways, airways,
or parking lots)

Maryland Institute for Continuing Professional Education of
Lawyers, Inc., Maryland Criminal Pattern Jury Instructions §
4:35.3 (2012).

The defendant asserts that the proper District offense for comparison purposes is the misdemeanor charge, under D.C. Code § 7-2502.01, of possession of an unregistered firearm (UF). By contrast, the PSR writer analogized the defendant's Maryland firearms offense quite appropriately to carrying a pistol without a license outside the home, place of business, or land owned or possessed.

The PSR writer made the correct selection. A UF charge has no requirement that an offender "wore, carried, or knowingly transported" the firearm, and applies even when the firearm is stationary inside the offender's residence. On the other hand, the offense of carrying a pistol without a license requires that the offender "carried a pistol on or about his/her person" outside his home, etc. Criminal Jury Instructions for the District of Columbia, Instr. 6.500 (5th ed., 2010). The Maryland law's requirement that an offender have "carried" the weapons, as well as the Maryland law's implicit requirement that the offense not take place inside a stationary location, such as a residence, together strongly support the PSR writer's analysis.

With the defendant's criminal history score placing him in column C, his guideline range of imprisonment for second degree murder while armed is a prison-only range of 168 to 312 months, or 14 to 26 years. DCVSG appx. A. His guideline range of imprisonment for each ADW count is a prison only range of 30 to 360 months, or 2 1/2 to 30 years. DCVSG appx. A, appx H, at H-1. Because the offenses are violent crimes involving different victims, a guideline-compliant overall sentence requires that the sentences be imposed consecutively. Id. § 6.1.

The Appropriate Sentence

For any felony offense, the Court must impose a sentence that reflects the seriousness of the offense and the criminal history of the offender, provides for just punishment and affords adequate deterrence, and provides the offender with needed educational or vocational training, medical care, and other correctional treatment D.C. Code § 24-403.01.

The defendant deserves credit for pleading guilty and thereby relieving Mr. Thompson's family, and the ADW victims, of the emotional trauma that a trial would cause. However, he has received ample credit through the government's agreement to let him plead guilty to a lesser charge than first degree murder while armed, the lead charge in the indictment.

In addition, as the guilty plea proceedings showed, this defendant has no remorse for his actions. At the guilty plea

hearing and again in his interview with the PSR writer he claimed, incredibly, that he only intended to hurt Mr. Thompson, not kill him, when he fired at him twice at close range with a 9 mm handgun.

Moreover, as the video supports, the defendant inflicted emotional injury on other passengers on the bus, in addition to the decedent and the three ADW victims. Anyone who was on that bus will be haunted for years with the memory of this incident.

And finally, the defendant was both on probation for a past conviction and on pretrial supervision for a pending charge when he committed these offenses.

For all of these reasons, the Court's sentence should be lengthy. The Court should sentence the defendant to the maximum sentence allowed for by the guidelines for murder two while armed--312 months. The Court should sentence him near the midpoint for each of the ADW counts, as it would be incongruous for the defendant to be sentenced for any of those counts to something close to, let alone more than, the sentence for the murder charge. The government proposes that the sentence for each ADW count be 15 years.

To be guideline-compliant, the Court should run each sentence consecutively.

Respectfully submitted,
RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

by:



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18011 982-3819

UPPER MARLBORO, MARYLAND 20772-9967

PRINCE GEORGES COUNTY

CLERK OF THE CIRCUIT COURT

Debra M. Atchison

SA

State of Maryland

CT0906721

10

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

State of Maryland
State's Attorney Kum Robbins

Date: 9-25-09

Criminal No. C10904672X

Clerk 42880

Tracking # 080001046812

vs.
Deiron M. Atkinson
Defendant ☒ Present ☐ Not Present

Bethany Skopp
Defendant's Attorney

DOCKET ENTRIES

1. Judge McKee; Mr. Spear Reporter

2. _____

3. Defendant withdraws plea of "Not Guilty" generally and enters _____ plea of "Guilty" to Count _____

☐ Defendant found guilty. ☐ Verdict Guilty ☐ Court Accepts Plea

4. Pre-Sentence Report ☒ Re sealed and filed ☐ waived

5. Sentenced to the jurisdiction of the ☒ Division of Correction ☐ County Correctional Facility as follows:

Count 3 for a period of 3 years; all but 1 year suspended;

Count _____ for a period of _____ years; concurrent with/consecutive to Count _____;

all but _____ suspended.

Count _____ for a period of _____ years; concurrent with/consecutive to Count _____;

all but _____ suspended.

Count _____ for a period of _____ years; concurrent with/consecutive to Count _____;

all but _____ suspended.

Count _____ pay a fine of \$ _____

6. Sentence to commence as of 12-1-2009 (0 days credit ^{to be} given).

7. Upon release, ☐ supervised ☒ unsupervised probation for a period of 3 years
unpapered

8. Sentence to incarceration is suspended and the Defendant is placed on ☐ supervised ☐ unsupervised probation for a period of _____

9. Defendant to serve sentence consecutive weekends in the County Correctional Facility from Friday 6:00 P.M. to Sunday 6:00 P.M. commencing 12-1-2009 on home detention

10. Further proceedings deferred. Entry of judgment is stayed pursuant to Criminal Procedure Code Section 8-220, and ☐ supervised ☐ unsupervised probation for a period of _____ is imposed.

11. ☒ Court costs assessed/waived at \$ _____ ☒ Public Defender Fee waived/assessed at \$ _____

12. Restitution: _____ TO: _____

13. (a) Stay (b) Nolle Pros (c) Judgment of Acquittal (d) Verdict Not Guilty
(e) Nolle Pros remaining counts (f) Verdict Not Criminally Responsible

14. Any Bench Warrants are recalled; Any bond discharged.

15. Order for Probation, filed.

16. Clerk to issue ☒ commitment ☐ release.

17. _____

FILED

090672X

STATE OF MARYLAND, Prince George's County to 2009

CLERK OF THE CIRCUIT COURT
FOR PRINCE GEORGES COUNTY, MD.

THE GRAND JURORS OF THE STATE OF MARYLAND FOR THE BODY OF PRINCE GEORGE'S COUNTY, ON THEIR OATH DO PRESENT THAT DELRON M. ATCHISON ON OR ABOUT THE 8TH DAY OF NOVEMBER, TWO THOUSAND EIGHT, IN PRINCE GEORGE'S COUNTY, DID WEAR, CARRY AND TRANSPORT A HANDGUN CONCEALED AND OPEN ON AND ABOUT HIS PERSON, IN VIOLATION OF THE CRIMINAL LAW ARTICLE § 4-203(A)(1)(I) AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE. (WEAR, CARRY AND TRANSPORT HANDGUN)

SECOND COUNT

THE GRAND JURORS OF THE STATE OF MARYLAND FOR THE BODY OF PRINCE GEORGE'S COUNTY, ON THEIR OATH DO PRESENT THAT DELRON M. ATCHISON ON OR ABOUT THE 8TH DAY OF NOVEMBER, TWO THOUSAND EIGHT, IN PRINCE GEORGE'S COUNTY, MARYLAND DID HAVE IN HIS POSSESSION, WHILE LOADED, A FIREARM WITHIN 1,000 FEET OF ANY HOME OR RESIDENCE, OTHER THAN HIS OWN, OR ANY SCHOOL OR SCHOOL GROUNDS, CHURCH OR CHURCH GROUNDS, PLACES OF PUBLIC ASSEMBLY, PUBLIC PARKS AND PLAYGROUNDS WITHIN THE COUNTY, WHETHER THE WEAPON IS LOADED WITH BLANK OR LIVE CARTRIDGES OR PROJECTILES OF ANY KIND, IN VIOLATION OF THE COUNTY CODE SEC. 14-140, AND AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE. (POSSESSION OF LOADED FIREARM)

THIRD COUNT

THE GRAND JURORS OF THE STATE OF MARYLAND FOR THE BODY OF PRINCE GEORGE'S COUNTY, ON THEIR OATH DO PRESENT THAT DELRON M. ATCHISON ON OR ABOUT THE 8TH DAY OF NOVEMBER, TWO THOUSAND EIGHT, IN PRINCE GEORGE'S COUNTY, MARYLAND DID WEAR, CARRY AND KNOWINGLY TRANSPORT A HANDGUN IN A VEHICLE TRAVELING ON A ROADWAY AND PARKING LOT GENERALLY USED BY THE PUBLIC, HIGHWAY, WATERWAY AND AIRWAY OF THE STATE IN VIOLATION OF § 4-203(A)(1)(I) AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE. (TRANSPORT HANDGUN ON ROADWAY ET AL)

DE

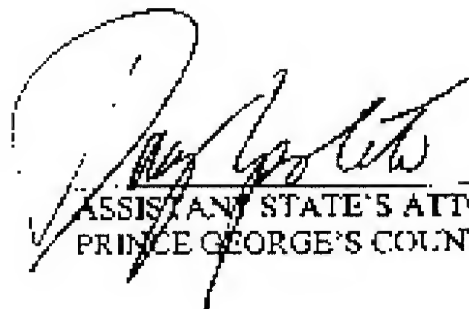
DE

FOURTH COUNT

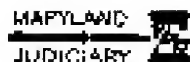
THE GRAND JURORS OF THE STATE OF MARYLAND FOR THE BODY OF PRINCE GEORGE'S COUNTY, ON THEIR OATH DO PRESENT THAT DELRON M. ATCHISON ON OR ABOUT THE 8TH DAY OF NOVEMBER, TWO THOUSAND EIGHT, IN PRINCE GEORGE'S COUNTY, MARYLAND BEING A PERSON UNDER 21 YEARS OF AGE, DID POSSESS A REGULATED FIREARM, IN VIOLATION OF § 5-133 (d) OF THE PUBLIC SAFETY ARTICLE, AND AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE. (POSSESS REGULATED FIREARM BY PERSON UNDER 21 YEARS OF AGE

FIFTH COUNT

THE GRAND JURORS OF THE STATE OF MARYLAND FOR THE BODY OF PRINCE GEORGE'S COUNTY, ON THEIR OATH DO PRESENT THAT DELRON M. ATCHISON ON OR ABOUT THE 8TH DAY OF NOVEMBER, TWO THOUSAND EIGHT, IN PRINCE GEORGE'S COUNTY, MARYLAND DID KNOWINGLY PARTICIPATE IN THE ILLEGAL POSSESSION OF A REGULATED FIREARM, IN VIOLATION OF § 5-143(a) OF THE PUBLIC SAFETY ARTICLE, AS AMENDED, AND AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE. (POSSESSION OF REGULATED FIREARM)



ASSISTANT STATE'S ATTORNEY FOR
PRINCE GEORGE'S COUNTY, MARYLAND



Circuit Court For Prince George's County, Maryland

CaseID: CT090672X

State of Maryland

Vs

Detron M. Atchison

2300 Hartford St., S.E. Apt #304

Washington DC 20020

DOB: 11/14/1988

ID# @1809109

Tracking# 080001046812

Dist Court# CR3ED0390806

DCM Track# A2

Rule 4-271 Date 12/08/2009

Charge Carry Handgun

One of 5 Related Charges

Citation Number:

Assistant States Attorney

Kim A Robbins

Defense Attorney:

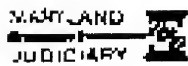
Bathany L Skopp

Bond Activity.

<u>Bond Type</u>	<u>Amount</u>	<u>Bondsman</u>
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Events

<u>Date</u>	<u>Event</u>	<u>Date</u>	<u>Closing Docket</u>	<u>Judge / Master</u>
05/28/2009	Initial Arraignment	05/29/2009	Initial Arraign Com in Court	Vincent J Femia
08/12/2009	Initial Arraignment	08/11/2009	Initial Arraignment Moot	Vincent J Femia
08/18/2009	Motions Hearing	08/18/2009	Plea Hearing Held	Michael P Whalen
07/21/2009	Trial	06/18/2009	Trial Moot	
07/24/2009	Sentencing Hearing	07/24/2009	Sentencing Continued in Court	Graydon S McKee
09/25/2009	Sentencing Hearing	09/25/2009	Sentencing Held	Graydon S McKee
12/08/2009	Hicks Date	06/18/2008	Hicks Complied	Vincent J Femia



Circuit Court For Prince George's County, Maryland

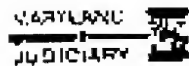
Docket Activity

<u>Date</u>	<u>User</u>	<u>Docket Entry</u>
05/05/2009	BLF	Indictment by Grand Jury Indictment Presented by Grand Jury, Judge Northrup; Ms. Jacobs, Reporter. filed 423
05/05/2009	BLF	Presentment and Indictment for Counts: (1) Wear, Carry and Transport Handgun (2) Possession of Loaded Firearm (3) Transport Handgun On Roadway et al. (4) Possess Regulated Firearm By Person Under 21 Years of Age (5) Possession of Regulated Firearm fd. 423
05/26/2009	CLJ	Adult Daily Sheet, Filed #260 CJ, Judge Femin: DAR M1410 Public Defender to Enter.
05/29/2009	TLT	Initial Arraignment Court in Court
06/01/2009	KEJ	Mot Discovery & Inspection, fd FLD 435
06/02/2009	KEJ	Answer to Motion in Supp, fd FLD 435
06/02/2009	KEJ	Letter from Sao, filed. Letter regarding omnibus motions. FLD 435
06/02/2009	KEJ	Letter from Sao. filed. Letter regarding request for discovery. FLD 435
06/02/2009	KEJ	Opposition to Motion Opposition to defendant's motion to dismiss. FLD 435
06/10/2009	APS	Motion Filed Supplement to previously filed motions. 436
06/11/2009	TLJ	Initial Arraignment Mot
06/18/2009	WMG	Adult Daily Sheet, Filed



Circuit Court For Prince George's County, Maryland

		#388 WGI Judge McKee, Mrs. Keder, Reporter Waiver of Rights at Plea, filed. Plea of not guilty withdrawn and plea of guilty entered to Count 3: Transport Handgun on Roadway, et al. Court accepts plea. Pre-Sentence investigation ordered. Short Form. Sentencing Date: 7/24/09 at 9:30 am before Judge McKee. Bond to continue pending sentencing. All parties and attorneys notified. Adult Daily Sheet, Filed
06/18/2009	WMI	
		#388 WG Judge McKee, Mrs. Keder, Reporter Waiver of Rights at Plea, filed. Plea of not guilty withdrawn and plea of guilty entered to Count 3: Transport Handgun on Roadway, et al. Court accepts plea. Pre-Sentence investigation ordered. Short Form. Sentencing Date: 7/24/09 at 9:30 am before Judge McKee. Bond to continue pending sentencing. All parties and attorneys notified Flicks Complied
06/18/2009	BSW	
06/18/2009	BSW	Plea Hearing Held
06/18/2009	BSW	Trial Mon
07/09/2009	LSI	PSI Rpt Complete/Sealed/Filed PSI for sentencing on July 24, 2009 before Judge McKee. fd #13
07/24/2009	OOD	Adult Daily Sheet, Filed #385 Judge McKee; Ms. E. Thompson, Reporter. Defendant's continuance - Granted. Reset to 9/25/09 AM for Sentencing before Judge McKee. Sentencing Continued in Court
07/24/2009	BSW	
09/25/2009	SNC	Adult Daily Sheet, Filed



Circuit Court For Prince George's County, Maryland

428 SNC

Judge McKee: Mr. Spear Reporter.

Pre-Sentence Report re-sealed.

Sentenced in the jurisdiction of the Division of Correction as follows:

Count 3 for a period of 3 years; all but 1 year suspended.

Sentence to commence as of 12-1-2009, 40 days credit to be given.

Upon release unsupervised, unpapered probation for a period of 3 years.

Defendant to serve sentence in the County Correctional Facility on Home

Detention commencing 12-1-2009.

Court costs waived. Public Defender fee waived

Nolle Prox remaining counts

Any Bench Warrants are recalled; Any bond discharged

Clerk to issue commitment.

Adult Sentence Decision

09/25/2009 TLJ

09/25/2009 RSW

Sentencing Held

09/29/2009 TLJ

Commitment Issued, Filed

339

09/29/2009 TLJ

Fin & Cst Invc Wvd/Not Assd Ed

09/29/2009 TLJ

MD Sentencing Guidelines. fd

11/02/2009 MLA

Motion Reconsideration of Sent

Fld 457

12/04/2009 APS

Order of Court filed

Order of Court dated 12-04-09. Signed by Judge McKee

Ordered, that the Defendant's Motion for Reconsideration of Sentence be and is hereby Denied.

fld. aps. 436. Copies mailed by the Court.

05/17/2010 APS

Letter, filed.

Seen in chambers 06-04-10. No action. fld. aps. 436.


Office of
Marilyn M. Bland
Clerk of the Circuit Court for Prince George's County

CASE NUMBER: CT090672X

STATE OF MARYLAND
PRINCE GEORGE'S COUNTY TO WIT: Delron M. Atchison

**I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE
ABOVE ENTITLED CASE IN THE CIRCUIT COURT FOR PRINCE
GEORGE'S COUNTY, MARYLAND.**

**IN TESTIMONY WHEREOF, I
HERETO SET MY HAND AND
AFFIX THE SEAL OF THE
CIRCUIT COURT FOR PRINCE
GEORGE'S COUNTY, MARYLAND,
THIS 5th DAY OF November, 2012**


Marilyn M. Bland, Clerk

CERTIFICATE OF SERVICE

I, Michael C. Liebman, an Assistant U.S. Attorney, hereby
certify that the foregoing was served on defendant Delron

Atchison by sending a true and correct copy of the same, with
attachment, to Dorsey Jones, Esquire, his counsel of record by e-
mail with pdf attachment to dorsey301@verizon.net on December 11,
2012.



Michael C. Liebman